

1 Honorable James L. Robart  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
14

15  
16 LIBERTY MUTUAL INSURANCE  
17 COMPANY; and LIBERTY INSURANCE  
18 CORPORATION,  
19

20 Plaintiffs,  
21

22 v.  
23

24 CAROLYN AND BENJAMIN LANGE, and  
25 their marital community; C.L., an individual,  
26

27 Defendants.  
28

29  
30 NO. 2:20-cv-00309-JLR-MLP  
31  
32 STIPULATION AND ORDER TO STAY  
33 PROCEEDINGS  
34

35  
36 Defendants Carolyn and Benjamin Lange (“the Langes”) and Plaintiffs Liberty Mutual  
37 Insurance Company and Liberty Insurance Corporation (“Liberty Mutual”), through their  
38 respective counsel, stipulate and agree as follows:  
39

40  
41  
42  
43  
44  
45 **STIPULATION**

1. This is an insurance coverage dispute related to defense and indemnity coverage for a  
lawsuit filed against the Langes in Whatcom County Superior Court, *C.L. v. Carolyn  
Lange and Benjamin Lange*, Cause No. 17-2-02207-37 (“the underlying action”).

STIPULATION AND PROPOSED ORDER  
TO STAY PROCEEDINGS - 1  
No. 2:20-cv-00309-RSM

GORDON  
TILDEN  
THOMAS  
CORDELL | 600 University Street  
Suite 2915  
Seattle, WA 98101-4172  
206.467.6477

2. Liberty Mutual and the Langes agree that there are factual issues in the underlying case that have not yet been resolved.
3. The Langes believe that unless this action is stayed pending the trial of the underlying action, there will be a potential risk of inconsistent results, and they will face the expense and inconvenience of litigating the coverage action and the underlying action at the same time.
4. The Langes have requested that Liberty Mutual stipulate to a stay of this action, pending the outcome of the underlying litigation. Liberty Mutual has agreed to the Langes' request, and is doing so without waiver of or prejudice to any position it may take in this or in any other declaratory judgment action.
5. In light of the foregoing, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the Langes and Liberty Mutual, that:

- This action, including all deadlines and dates, should be stayed until the underlying action is concluded.
  - Either party may move the Court to terminate the stay upon 30 days' written notice to the other party.
  - The parties will submit a joint status report by May 15, 2021.

The parties respectfully request that the Court enter the subjoined order containing the terms of the stay.

**STIPULATION AND PROPOSED ORDER  
TO STAY PROCEEDINGS - 2  
No. 2:20-cv-00309-RSM**

**GORDON** 600 University Street  
**TILDEN** Suite 2915  
**THOMAS** Seattle, WA 98101-4172  
**CORDELL** 206 467 6477

1 STIPULATION DATED this 17<sup>th</sup> day of November, 2020.  
2

3 **GORDON TILDEN THOMAS & CORDELL LLP**  
4 Attorneys for Defendants Carolyn and Benjamin Lange  
5

6 By s/ *Guinevere Becker Bogusz*  
7 Susannah C. Carr, WSBA #38475  
8 Jeffrey M. Thomas, WSBA #21175  
9 Greg D. Pendleton, WSBA #38361  
10 Guinevere Becker Bogusz, WSBA #52937  
11 600 University Street, Suite 2915  
12 Seattle, Washington 98101-4172  
13 206.467.6477  
14 [scarr@gordontilden.com](mailto:scarr@gordontilden.com)  
15 [jthomas@gordontilden.com](mailto:jthomas@gordontilden.com)  
16 [gpendleton@gordontilden.com](mailto:gpendleton@gordontilden.com)  
17 [gbogusz@gordontilden.com](mailto:gbogusz@gordontilden.com)  
18

19 **WILSON SMITH COCHRAN DICKERSON**  
20 Attorneys for Plaintiffs Liberty Mutual Insurance  
21 Company; Liberty Insurance Corporation  
22

23 By s/ *John M. Silk*  
24 John M. Silk, WSBA #15035  
25 901 Fifth Avenue, Suite 1700  
26 Seattle, WA 98164-2050  
27 [silk@wscd.com](mailto:silk@wscd.com)  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

## ORDER

Based on the foregoing stipulation, IT IS SO ORDERED that this case is STAYED until the underlying action, *C.L. v. Carolyn Lange and Benjamin Lange*, Cause No. 17-2-02207-37, is concluded. Either party may move the Court to terminate the stay upon 30 days' written notice to the other party. The parties are DIRECTED to file a Joint Status Report by May 15, 2021.

IT IS SO ORDERED this 17th day of November, 2020.



Jim R. Blit

The Honorable James L. Robart  
United States District Judge

**STIPULATION AND PROPOSED ORDER  
TO STAY PROCEEDINGS - 4  
No. 2:20-cv-00309-RSM**

GORDON      600 University Street  
TILDEN      Suite 2915  
THOMAS      Seattle, WA 98101-4172  
CORDELL      206.467.6477